



Legislative Bulletin.....June 21, 2005

Contents:

H.R. 2475—Intelligence Authorization for Fiscal Year 2006

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$446.14 million (unclassified) in FY2006

Effect on Revenue: \$0

Total Change in Mandatory Spending: None above the baseline.

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 2475—Intelligence Authorization for Fiscal Year 2006 (Hoekstra)

Order of Business: The bill was originally scheduled to be considered on Thursday, June 9th, but was postponed (reportedly) because of a jurisdictional question between the Armed Services and the Intelligence Committees. The bill has been rescheduled for Tuesday, June 21st, subject to a structured rule. This new version of the bill will reportedly be the same as the one from two weeks ago, but with one provision on personnel transfers deleted. At press time, RSC staff were not able to confirm what language would be struck—or whether such language was unclassified or classified.

The amendments made in order under the rule will be summarized in a separate RSC document.

Note: This Legislative Bulletin addresses only the unclassified portion of the bill. The language of H.R. 2475 provides for the passage of the classified annex, which contains the vast majority of the authorizations in this legislation. The classified annex is available to the Committees on Appropriations of the House and Senate and to the President. The President has to provide for the suitable distribution of appropriate portions of the annex within the executive branch.

Summary: The unclassified portion of H.R. 2475 would authorize **\$446.14 million** in discretionary FY2006 appropriations and **\$244.6 million** in FY2006 mandatory spending for the Central Intelligence Agency Retirement and Disability System (CIARDS) (no increase over the baseline and thus scores as zero). The specific schedule of authorizations for intelligence activities of the federal government (including the Office of the Director of National Intelligence, the CIA, the Defense Department, the National Security Agency, the FBI, etc.) is classified.

Personnel Ceilings. Authorizes the Director of National Intelligence (DNI), with the approval of the Director of the Office of Management and Budget, to exceed the (classified) FY2006 civilian personnel ceilings, when necessary to perform “important intelligence functions” and when reported to Congress.

Intelligence Community Management Account. Authorizes FY2006 appropriations of \$446.14 million to the Intelligence Community Management Account (CMA) to fund 817 (unclassified) full-time personnel and other administrative requirements. Allows the Account, under certain circumstances, to reimburse other federal agencies for detailing personnel to the staff of the Account.

CIARDS. Authorizes mandatory spending of \$244.6 million for the Central Intelligence Agency Retirement and Disability System (CIARDS).

Increase in Employee Compensation. Authorizes such appropriations increases “as may be necessary” for employee compensation or benefits.

Intelligence Restrictions. Emphasizes that this legislation should not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

Representatives at Foreign Missions. Authorizes the DNI to assign representatives to U.S. missions in foreign countries to oversee and direct all U.S. intelligence and intelligence-related activities in said countries.

Personnel Transfers. Clarifies that the DNI’s personnel transfer authority for new National Intelligence Centers (in current law) is subject to notification and response from the congressional committees of jurisdiction.

Director of Science and Technology. Instructs the Director of Science and Technology to assist the DNI in establishing goals for the various elements of the intelligence community to meet its technology needs. The DNI would have to report to Congress on the strategy for developing and using technology in the intelligence community through the year 2021.

Special Access Programs. Instructs the DNI to submit to Congress, by January 15, 2006, a comprehensive (classified) inventory of special access programs under the National Intelligence Program.

Senses of Congress. Expresses two senses of Congress that:

1. The DNI should “expeditiously establish the necessary budgetary processes and procedures” with the heads of the departments containing agencies or organizations within the intelligence community, regarding the transfer and reprogramming of funds under the National Intelligence Program (as required by Title I of Public Law 108-458—last year’s 9-11 Commission bill); and
2. The DNI should “promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.”

Overseas Human Intelligence Collection. Clarifies that the CIA’s authority over human intelligence collection extends to all human intelligence collected overseas by any U.S. department, agency, or entity. Also clarifies that the CIA Director has to develop a process with the DNI for coordinating such overseas collection (the DNI would determine which activities would be subject to this process).

Committee Action: The bill was referred to the Permanent Select Committee on Intelligence on May 19, 2005, and was marked up five days later. The Committee then amended and by voice vote ordered the bill reported to the full House.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 2475 is not available.

Cost to Taxpayers: CBO reports that the unclassified portion of the bill would authorize discretionary appropriations of \$446.14 million in FY2006. Further, the bill would authorize mandatory spending of \$244.6 million in FY2006 for CIARDS (no increase over the baseline and thus scores as zero).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Permanent Select Committee on Intelligence, in House Report 109-101, cites constitutional authority in Article I, Section 8, Clause 1 (common

defense and general welfare), Clause 12 (raise and support armies), Clause 13 (provide and maintain a Navy), and Clause 18 (make all laws necessary and proper for carrying into execution the foregoing powers).

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